

Washington, D.C. - U.S. Rep. David Price (NC-04) last night called for a smarter, more effective strategy in the Global War on Terrorism, arguing that the Administration's policies are causing America to lose ground against the terrorists. His statement addresses legislation (H.R. 6166) considered by the House on Wednesday, which Price opposed, that would leave the door open to the use of torture and would grant President Bush broad and controversial authority to indefinitely detain terrorist suspects. It also addresses surveillance legislation (H.R. 5825), which the House is expected to consider today, that would effectively rubber stamp the President's warrantless wiretapping program.

In his statement, Price argued that the President's overall strategy is undermining our ability to combat terrorism, inspiring new generations of extremists, and failing to uphold the values that are fundamental to our democracy. "An anti-terrorism strategy informed by moral considerations, American values, and our effort to lead the world by example is consistent with an anti-terrorism strategy that pursues terrorists smartly, effectively, and aggressively," Price said. "What's more, such a strategy augments our efforts because it unites the American people – and the world – behind us."

The full text of the statement follows.

PROTECTING OUR NATION FROM TERRORISM

Rep. David E. Price

September 27, 2006

Mr. Speaker, I rise today to confront a question of central importance to our nation: are we doing everything we should to protect our nation from terrorism?

This is not a threat we can afford to underestimate. The terrorists' means of organization, communication, and attack challenge our intelligence community, our armed forces, and our

domestic law enforcement agencies in fundamentally new ways.

We must take the fight to the terrorists, but that does not mean we must sacrifice our moral leadership in the international community. We must defend our homeland from attacks, but we must also avoid self-inflicted damage to the values we stand for and the liberties of our people. Our strategy cannot be merely aggressive; it must also be smart and efficient, and it must be true to the values that make us American.

We must not only kill and capture specific terrorists and dismantle their organizations. We must also reduce the number of new terrorists and organizations that might exist tomorrow. Ultimately, we will win this war not by denying the rights of detainees and not by law enforcement excesses, but by protecting the integrity of our free and democratic society, and by repairing our diplomacy and showing the world that there is a better way.

The Bush Administration has repeatedly implied that Americans must be prepared to set aside moral considerations, American values, and America's image in the world if such concerns get in the way of the aggressive pursuit of terrorists. In reality, such a strategic blindness will hamper our ability to win the war on terrorism. An anti-terrorism strategy informed by moral considerations, American values, and our effort to lead the world by example is consistent with an anti-terrorism strategy that pursues terrorists smartly, effectively, and aggressively. What's more, such a strategy augments our efforts because it unites the American people – and the world – behind us.

Following the 9-11 attacks, President Bush had two choices. The first option was to create and implement a smart, bipartisan anti-terrorist strategy. Such a strategy would have been focused on devoting sufficient troops and resources to Afghanistan to bring down the Taliban, find and incapacitate Osama bin Laden and his lieutenants, and enable that nation's successful reconstruction – not just in the capital but in the outlying areas that we have never fully secured.

The President could have capitalized on the tremendous outpouring of public support in the wake of the attacks to build bridges between our nation and the rest of the world, including the millions of moderate Muslims who hold no sympathy for the terrorists who are hijacking their religion. He would have proactively sought a resolution to the Israeli-Palestinian conflict, which has historically been the largest source of inspiration for new generations of terrorists. (The Iraq war can now lay claim to that ignoble reputation.) And he would have more significantly bolstered our defense and intelligence assets to prevent future attacks and dismantle terrorist

networks.

Instead, the President chose a second option that has simply failed to meet the standard of an intelligent anti-terrorism strategy. He diverted resources from the hunt for bin Laden to prepare for and initiate a war of choice in Iraq – a war, incidentally, that has made the threat of terrorism worse, not better. The recent National Intelligence Estimate makes this quite clear.

In doing so, President Bush left Afghanistan vulnerable to the resurgence of the Taliban we have seen over the last several months, resulting in a deteriorating security environment in that country five years after we supposedly defeated them. He has undertaken policies that have seriously undermined public support for the U.S. in the Islamic world and beyond, including policies that cultivated a culture within the military and the intelligence community that have tolerated and even encouraged the abuse of detainees – many of whom were later determined to be innocent bystanders. He has largely neglected the Israeli-Palestinian conflict, with disastrous results for Israel, Lebanon, and the entire Middle East region.

David Schanzer, one of my constituents and director of the Triangle Center on Terrorism, got it right in a recent op-ed. He wrote: "Unfortunately, we have made no progress, and in fact may have lost ground, in the ideological conflict that is fueling jihadist violence around the globe."

So I ask today: are we doing everything we should to protect our nation against another terrorist attack? Is President Bush pursuing a smart, effective strategy to win the war on terrorism? The answer to these questions is clearly "no."

This week in the House, we are debating two prominent components of the President's strategy to fight terrorism: a bill to grant the President the right to circumvent checks by the judiciary to wiretap the phones of American citizens, and a bill to establish an extrajudiciary system for trying detained terrorist suspects. These bills are both clear examples of how the President continues to make the wrong choices in the war on terrorism.

There is no doubt that we need a more extensive and sophisticated wiretapping program directed at those who mean us harm, both outside and inside the United States. That is not the question. The question is who should make decisions that balance civil liberties with surveillance needs. The Administration says "just trust us." To that, we say a resounding no.

This is not merely because the Attorney General and the Bush Administration have proved unreliable stewards of our liberties. It also recognizes what our founding fathers knew quite well, that balancing power among institutions with different functional roles is the essential to our form of government. The executive branch is in the business of putting criminals and terrorists in jail; the judicial branch is in the business of interpreting the law and the Constitution, and protecting individual rights. Neither can effectively do the job of the other.

The 1978 FISA law established procedures governing how the federal government can constitutionally collect foreign intelligence, including the ability to gather intelligence immediately in urgent situations and to obtain a warrant post-facto. Unfortunately, this administration feels that protecting the constitutional rights of its citizens has become too cumbersome. Instead of abiding by current law, the administration has chosen to make up new ones. And now that we have called the Administration on this violation of the law, it is asking Congress to formally authorize its practices. In essence, the administration is telling us that we have to choose between being safe and being free. I, for one, am not willing to accept this overly simple analysis or the proposed wiretapping bill.

We do not yet know what provisions will be included in the House bill, but the President's proposal would allow warrantless surveillance of international calls and e-mails of American citizens without any evidence that they are conspiring with terrorist organizations. The communications of Americans would only be protected if the National Security Administration "reasonably believes" all senders and recipients are in the U.S. Essentially this provision would allow anybody communicating with family or friends outside the U.S. to be monitored at any given time without any real justification or oversight.

In addition, the President's proposal would pre-approve warrantless searches on all Americans following a terrorist attack in the United States for up to 45 days. I know the investigations that take place in the days and weeks following a terrorist attack are crucial in apprehending all of those involved, and I agree that we need to make sure the intelligence community has whatever resources it needs. However, providing pre-approval to the President to violate the 4th amendment of the Constitution after an attack is completely unnecessary. Current law already allows the President reasonable exemptions in these situations, and if extensions are needed, he simply needs to request judicial approval.

The second key terrorism bill under debate in the House this week would establish a system for bringing detained terrorist suspects to trial. Again, there is wide and bipartisan agreement that this issue must be addressed. But President Bush has once again failed to choose the smart and morally acceptable way to do it.

Over the past three years, many of us have watched in horror as new details about the Bush Administration's treatment of detainees have been revealed. Torture, arbitrary arrest and detention, indefinite imprisonment – Americans used to think of these as charges off the pages of reports about other countries, not as sanctioned American policies. While some of us have spoken out against these practices since they became public, recent actions by the Supreme Court and a handful of courageous Senators have forced the Administration to revisit them. Yet, the legislation before the House – legislation supported by Republicans in the House, Senate, and White House – would do little to rein them in.

In fact, under the proposed legislation, the Administration could continue to arbitrarily arrest and detain foreign citizens. It could continue to imprison these detainees indefinitely, without standard judicial protections such as their right to challenge their detention in court and the right of the accused to know the charges against them. And, despite the coverage granted to the so-called compromise between the White House and Senate Republicans, the Administration would still be able to continue practices that violate the Geneva Conventions prohibition of torture.

Many have argued that we must prioritize winning the war on terrorism above considerations for the rights of detainees accused of having links to terrorism, as if the two were always mutually exclusive. It might be tempting to understand the issue in such simple terms, but we should resist that temptation.

It is certainly true that terrorism is such a grave threat to our nation that, in some circumstances, extraordinary actions may be necessary to protect American lives. The question we should be asking, however, is whether particular policies advance our fight against terrorism, both now and over the long term. In this case, the moral argument – that potentially innocent detainees do have rights that should be protected – is in line with the appropriate strategic argument.

In the short-term, the Administration's approach fails because, as current and former military and intelligence officers have repeatedly stated, torture does not reliably produce actionable intelligence. In addition to the statements of these experts, we have hard evidence: the New York Times has reported that, according to our military, interrogators were able to obtain up to 50 percent more actionable intelligence from detainees at Abu Ghraib prison in Iraq after coercive practices like hooding, stripping, and sleep deprivation were banned.

In the long-term, the Bush Administration's approach is even more detrimental to our progress in the war on terrorism. First, it is already having disastrous repercussions on our effort to win the hearts and minds of those at risk of being tempted by terrorist recruiters. Let us be clear: while stopping active terrorists is a critical challenge, disrupting the development of new generations of terrorists is the single most important task in winning the war on terrorism. Every person that we can persuade to renounce violence and cast his or her lot with the forces of moderation is one fewer threat to our nation, one fewer potential airplane hijacker or train bomber. Winning hearts and minds is no exercise in sentimentality; it is perhaps the key strategy in protecting our nation from another 9-11. The Administration's approach negates such efforts, as it essentially endorses indefinite imprisonment, arbitrary detention, and treatment of detainees in violation of the Geneva Conventions.

The Administration's approach further harms our progress in the war on terrorism by placing our own troops at risk. It sends a dangerous signal to other nations that the United States has endorsed these practices for foreign detainees, inviting these nations to visit the same practices upon our own troops. It is that risk that has led several top-ranking former military leaders to object to the Administration's proposal.

There is no question that a system is needed for bringing terrorists to justice. But doing it the wrong way will impede our ability to stop terrorists in the future. And the Bush Administration's approach is, quite clearly, the wrong way. Victory in the war on terrorism demands, and the American people deserve, a smarter approach, consistent with the values that have made our country great.

Mr. Speaker, we can choose a smart, effective strategy for combating terrorism that makes our nation safer, or we can opt for an irresponsible, shortsighted approach that undermines our progress. These bills represent the latter. I strongly urge my colleagues to oppose them.

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